

**TO:** Planning Commission  
**FROM:** Ben Boike, Assistant Comm. Dev. Dir.  
**DATE:** October 18, 2016  
**SUBJECT:** Case #16-15



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## **REQUEST**

The Povolny Group, Inc. is requesting a Conditional Use Permit to allow an Accessory Structure in a B3, General Business District at 1906 Livingston Ave.

### ***Attachments:***

*Application Package*

*Notice*

*Plans*



## **EXISTING LAND USES**

The subject property consists of an existing office building. Adjacent properties to the north, east, and south consist of commercial uses. Adjacent properties to the west consist of multi-family residential.

## **ZONING**

The subject property and adjacent properties to the north are zoned B3, General Business. Adjacent properties to the east and south are zoned B4, Shopping Center. Adjacent properties to the west are zoned R4, Multiple Family Residential.

## **ANALYSIS**

### **Zoning Ordinance**

Section 153.156 of the Zoning Ordinance requires a Conditional Use Permit to allow Accessory Structures in the B2 District (uses in the B2 are also allowed in the B3):

#### **153.156 CONDITIONAL USES**

Within the B-2 Neighborhood Business District, no structure or land shall be used for the following uses, except by conditional use permit:

- (B) Accessory structures other than private garages;

### **Proposal**

The applicant is proposing to construct a 30' x 60' accessory structure behind the existing office building (see site plan). The proposed building will be utilized to store construction materials, equipment and trailers on-site. The applicant is currently storing these items off-site. The proposed building includes two over-head garage doors that will be accessed via the exiting parking lot. The applicant is also proposing a small expansion of the parking lot in order to re-orientate the existing parking stalls (currently east-west orientation) that are located in the area of the proposed garage to a north-south orientation at the rear of the parking lot.

### **Setbacks**

The Zoning Ordinance does not list specific setbacks for accessory structures in commercial districts. The minimum principal building setbacks in the district are 0' for the side yard and 20' for the rear yard. The applicant is proposing to match the side yard setback of the existing building along the north property line at 6.2 feet. The proposed building is well clear of the 20' rear yard setback requirement.

### **Building Materials**

The proposed building will be constructed with wood framing and vinyl or composite lap siding. The applicant is proposing shingles for the roof that match the shingles on the existing building. Staff is recommending a condition of approval that the exterior materials complement the siding of the existing building as required by code. Staff is also recommending a condition of approval requiring the applicant to revise plan sheet A201 by moving the proposed overhead garage doors to the same location as shown on plan sheet A300.

### **Parking Requirements**

The existing parking count for the property is legal non-conforming. Code requires a total of 20 parking stalls for the office building. The existing parking lot has a total of 17 parking stalls. As mentioned, the applicant is proposing a small expansion to the southeast corner of parking lot in order to allow for the re-orientation of the current east-west row of parking (in the area of the proposed building) to a new north-south orientation at the rear of the lot. In doing so, the applicant is able to maintain the existing non-conforming number of parking stalls.

## **STAFF RECOMMENDATION**

**Staff recommends APPROVAL of the CONDITIONAL USE PERMIT to allow an Accessory Structure in a B3 District at 1906 Livingston Ave subject to the following conditions:**

1. The applicant shall apply for applicable building for the construction of the accessory structure.
2. The exterior building materials shall complement the existing building.
3. The applicant shall revise plan sheet A201 by moving the two overhead doors to the same location as shown on plan sheet A300.
4. The applicant shall re-stripe the parking lot per the submitted site plan.